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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,366	02/26/2004	Su-Chen Chen	12456-US-PA	2365

31561 7590 04/06/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,366

Applicant(s)

CHEN ET AL.

Examiner

Alexander Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/2/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3, 20, 12-14 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dutcher 4,498,581. See Figure 1 and column 2, lines 10-62.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher. The reference discloses the invention substantially as

claimed, namely an easily tearable sheet comprising a uniaxially oriented sheet (i.e. the grain is running in a specific direction), an adhesive layer and cut lines; see Figure 1 and column 2, lines 10-62. However it does not disclose the claimed shape of the cut lines or the particular type of adhesive. It would have been obvious to one of ordinary skill in the art to vary the shape of the cut lines in the product of the reference depending on the amount and shape of access needed for a particular end product. Concerning the claimed adhesive, these adhesives are well-known adhesives in the packaging art and therefore not considered to be a patentably significant feature of the claimed product.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher in view of Friedland et al 6,238,762. The primary reference discloses the invention substantially as claimed, namely an easily tearable sheet comprising a uniaxially oriented sheet, an adhesive layer on the sheet and cut lines; see Figure 1 and column 2, lines 10-62. However it does not disclose the claimed method of forming the cutting lines. The secondary reference discloses that it is old to form cut lines by use of a laser; see column 4, lines 16-18. It would have been obvious to one of ordinary skill in the art to use any well-known perforating process such as taught in the secondary reference to form the cut lines in the primary reference.

7. Claims 7-9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutcher in view of Cuffey et al. The primary reference discloses the invention substantially as claimed, namely an easily tearable sheet comprising a uniaxially oriented sheet, an adhesive layer on the sheet and cut lines; see Figure 1 and column

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2, lines 10-62. However it does not disclose the use of a polymer sheet material. The secondary reference discloses the equivalence of paper and other materials in the packaging art; see column 1, lines 24-26 and 66-68, and column 5, lines 66-73. It would have been obvious to one of ordinary skill in the art to use any well-known oriented material as the sheet material in the product of the primary reference in view of the teachings in the secondary reference depending on the desired structural properties for a particular end use.

A handwritten signature in black ink, appearing to read "Alexander S. Thomas". The signature is fluid and cursive, with a large initial "A" and a stylized "T".

ALEXANDER S. THOMAS
PRIMARY EXAMINER